

REMARKS

The office action of November 21, 2006, has been carefully considered.

It is noted that claims 1-3, 5, 7 and 8 are rejected under 35 U.S.C. 102(b) over DE 932,237 to Valtl.

Claim 6 is rejected under 35 U.S.C. 103(a) over Valtl.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the reference.

Turning now to the reference, it can be seen that Valtl discloses a self-sealing tube closure in which a conical plug that is pushed by a spring against a conical closing cap. The element 11 of Valtl is not a disk as argued by the Examiner. As shown in Figs. 1 and 2 of Valtl, and as discussed in lines 59-60 on page 2, the reference numeral 11 refers to a "hollow point". Applicant does not see how the Examiner can consider this to be a disk. The hollow tip closes the outlet opening of the closure cap 2. A plate or annular disk that is archable is not disclosed by Valtl.

Applicant submits that a comparison of Valtl with the presently claimed invention clearly shows that the tube closure of Valtl and the container closure of the presently claimed invention are different in construction and function.

The present invention is a container closure having a housing with a centrally arranged, axially archable elastic annular disk, and an axially displaceable sealing plug arranged centrally below the annular disk, whereby pressing together the storage container automatically causes arching of the center portion of the annular disk of the container closure in a valve-like manner to dispense the product, and thereafter due to the restoring force of the storage container the closure automatically closes.

The container closure of the present invention has the following features:

1. Opening and closing of the container closure during dispensing takes place exclusively via axial arching and returning of the center part of the annular disk arranged on the sealing plug, which arching and returning is caused by the overpressure or negative pressure in the storage container.
2. The sealing plug remains unmoved in its upper position during opening and closing of the annular disk. Only after closing

via the annular disk does the sealing plug move inwardly against a spring element in response to the negative pressure in the storage container to create a ventilation gap for venting the container.

The tube closure of Valtl functions as follows:

1. Opening and closing of the tube closure during dispensing occurs exclusively via the axial movement of the valve pin, whose movement during opening is caused by the overpressure in the tube and by closing is caused by a spring element.

2. A venting of the tube is not disclosed, and is not possible with the construction of the tube closure disclosed. Due to the different conicity of the closure cap surface and the valve pin tip there operates from the internal pressure in the tube a resulting pressure of the valve pin against the spring element.

Although the reference and the present invention use an axially slidable sealing plug or valve pin, due to their differing functions (exclusively venting in the present invention, exclusively opening and closing the valve in the reference), the construction also differs.

In Valtl, the valve pin used for opening and closing has a conical tip, which in the closed position, with the help of the

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spring element, is pressed against the conically formed closure cap, and here sealingly presses against a part of the closure cap that forms a sharp edged elastic annular bead.

In the present invention the upper end of the sealing plug arranged under the annular disk has a step-shaped edge against which the annular disk lays flat.

Thus, it is submitted that Valtl does not disclose a container closure in which downward axial arching of the annular disk is limited by several stop ridges, and upward axial movement of the sealing plug is limited by at least one stop ridge, as in the presently claimed invention. The upper limitation of the valve pin of Valtl is the conically constructed closure cap and the lower limitation is the spring force.

In view of these considerations it is respectfully submitted that the rejection of claims 1-3, 5, 7 and 8 under 35 U.S.C. 102(b) and the rejection of claim 6 under 35 U.S.C. 103(a) over the above-discussed reference are overcome and should be withdrawn.

Reconsideration and allowance of the present application are

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respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on February 15, 2007.

By: 
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Date: February 15, 2007